

Record of Briefing Sydney Western City Planning Panel

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| PANEL REFERENCE, DA NUMBER & ADDRESS | PPSSWC-501 - Wollondilly - DA/2024/897/1 - 285 Finns Road, Menangle |
| APPLICANT / OWNER | Applicant: Aasim Warsi Owner: Muscat Developments Pty Ltd |
| APPLICATION TYPE | Change of use of a shed (A) building and fit out as a plastics recycling facility |
| REGIONALLY SIGNIFICANT CRITERIA | Designated Development - Waste Facility |
| CIV | \$ 2,151,468 (excluding GST) |
| BRIEFING DATE | 3 February 2025 |

ATTENDEES

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| APPLICANT | Mark Jackson, Ali Warsi, Abdul Halim, Victoria Wilson |
| PANEL | Justin Doyle (Chair), Lousie Camenzuli, David Kitto |
| COUNCIL OFFICER | Natalie Knapp |
| CASE MANAGER | Tim Mahoney |
| PLANNING PANELS SECRETARIAT | Sharon Edwards |

DA LODGED: 8 November 2024

DAYS SINCE LODGEMENT: 87 days

TENTATIVE FINAL PANEL BRIEFING DATE: 14 April 2025

TENTATIVE PANEL DETERMINATION DATE: Within 250-day target

Chair reviewed attendance and introduced Preliminary Briefing purpose and process.

Applicant

- The applicant provided description of proposed development and site context.
- The Panel was briefed by Mark Jackson (JEP Environmental), joined by representatives of the Applicant and Victoria Wilson (also JEP Environmental).

- The proposed development is for the use of existing Shed A to house a plastics recycling plant and equipment.
- Proposal is in essence a change of use and alterations to Shed to use it as a recycling facility. Landscaping around the shed is also included.
- Access to the site will occur off Finns Road.
- The operations on site include washing, cooling, segregation and granulation of plastic sheets.
- The facility would operate 7am to 10pm on weekdays, 8am-10pm on weekends and public holidays.
- The proposed development is designated development because of its proximity to residential areas.
- No EPL is required for the current proposed volumes of plastic to be received on site.
- The site is zoned RU2 Rural Landscape.
- The existing shed was built larger than what was originally approved. The Applicant is seeking to regularise this by way of a modification application.
- 12 objections were lodged that the Applicant is working through.
- Fire safety will comply with all contemporary requirements.
- Various reports have been submitted in response to SEARs
- A separate legal opinion will be provided in relation to the permissibility of the proposed development.
- Endeavour Energy is now satisfied.
- Subsidence Advisory also have no issues.
- The Applicant now needs to respond to Council's RFI, which will be done in via the RTS report.
- No combustion or incineration is required at the site.
- No discharge of wastewater will occur. All water is recycled during the processing.
- A modification application and structural adequacy assessment have been submitted to cover off the issues relating to the built form of Shed A and non-compliances with the existing consent for that Shed.

Council

- Shed A has in fact doubled in size for FSR and height.
- The shed was built without a construction certificate and has been built over land that needed to be remediated.
- There are also other non-compliances associated with the shed under other environmental planning instruments.
- A modification application was lodged to regularise the non-compliances with Shed A that was refused.
- Another modification has now been lodged to try and regularise Shed A, which is still under assessment.
- A question arises as to the proper characterisation of the facility as a "resource recovery facility" or a "waste management facility" and whether it is permissible.
- Council is presently awaiting a response to the request for additional information. In particular, the Applicant has not yet demonstrated that there will be compliance with the environmental requirements for the shed location.

- The site was previously used as a poultry farm and sheds on the site have been approved for use as a transport depot.
- Council queried how the Applicant will ensure it is staying under the 6000T of waste limit. The Applicant indicated that it would have a pallet scale. There is no regulatory requirement for this, but a condition of consent around management of this limit could be imposed to require records of compliance to be made available.
- The mine subsidence issue still needs to be addressed.

Panel

The Panel Chair:

- explained that there are no Council representatives for this preliminary briefing, but the two Council representatives will participate in the determination of the matter and future briefings.
- outlined Council's preliminary view that the development is prohibited in the form currently proposed.
- noted that there are other background Court proceedings to which regard may need to be had; and
- noted that outstanding issues include:
 - Permissibility of the proposed development; and
 - Form of the application— buildings as constructed on site are not what the Court approved, which gives rise to procedural issues.

Next Steps

- The Applicant to respond to Council's RFI by 17 February, including with that response a legal advice on the permissibility of the proposed development and a response to the procedural issues raised regarding the approval of the proposed development against the non-compliance with the existing consent for the constructed sheds.
- As the application has received more than 10 unique submissions by way of objection a public determination meeting is required. To give Council and the applicant sufficient time to work towards a determination, a tentative public meeting date of 14th April 2025 has been scheduled. The submissions and the assessment report will be required to be uploaded to the planning portal by 31 March 2025.
- The panel targets determination of RSDAs within 250 days. The chair recommends that the applicant expedite their efforts to facilitate amendments or additional information required by Council to allow them to complete their assessment. The panel will determine development in the form it is presented at or prior to 250 days.

Note:

Council is yet to undertake its full application assessment, so this record is not a final list of the issues they will need to consider in order to draft their recommendation.

The application is yet to be considered by the Sydney Western City Planning Panel and therefore future comment will not be limited to the detail contained within.